

## **BOXELDER SANITATION DISTRICT**

### **POLICY ON RESPONDING TO OPEN RECORDS REQUESTS**

**ADOPTED: September 18, 2014**

**EFFECTIVE: October 1, 2014**

The Boxelder Sanitation District (the "District") Board of Directors fully supports and complies with all applicable laws relating to the retention, protection and disclosure of District records including the Colorado Open Records Act, Title 24, Article 72, Part 2 C.R.S. ("CORA").

It is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. Public records are defined by CORA as all writings made or maintained by the District, regardless of the format or medium of the same, subject to certain exceptions. Public records expressly include e-mail communications. The District maintains an archive of all e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are not intended to create or constitute a public record. By action of the Board of Directors of the District, the General Manager is hereby designated as the official Custodian of Records (Custodian) responsible for the maintenance, care and keeping of all records of the District. The Custodian shall have authority to designate such agents as appropriate to perform any acts necessary to enforce the provisions of this policy.

The following are general policies concerning the release of records:

1. Every records request shall be submitted to the District's Custodian in writing, shall specify the information desired, and shall state the preferred method of delivery of the records requested.
2. If any question arises as to proper compliance with a records request, the District's legal counsel shall determine the District's obligations under applicable law. The Custodian will assemble all disclosable requested documents for inspection and/or copying in accordance with law.
3. If the District's legal counsel determines the District is not permitted by law to comply with the records request in whole or in part, legal counsel or designee shall provide a written response to the requesting party stating the legal basis for the same.
4. The Custodian shall set the time and place during normal office hours for records to be inspected. The Custodian or a designee shall be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three (3) working days, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the delay within the statutory period.
5. A requester will also be furnished copies requested at a cost not to exceed \$.25 per page in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. If a request requires one or more hours of staff time for research, or locating a document, the District may charge a fee not to exceed \$30 per hour; no charge shall be made for the first hour of time expended in connection with the research and retrieval of public records. Any fee charged for the research and retrieval will be uniform for all

requesting parties. Maximum fees stated will automatically adjust for inflation as provided in statute.

6. Upon request for records transmission by a requestor, the Custodian will transmit a copy of the record by U.S. Mail, other delivery service, facsimile, or electronic mail. No transmission fees will be charged to the requester for transmitting records via electronic mail. Within three days of receiving the request, the Custodian will notify the requestor that the record copy is available but will only be sent to the requestor once the Custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the Custodian. The Custodian will include an estimate of the costs and fees that will be charged.
7. When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept; if it is impractical to do so, the Custodian may allow arrangements to be made for such item to be made at another facility and the requestor will pay such cost.

This policy shall supersede any previous policy related to records requests.